

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CHRISTOPHER LACCINOLE  
Plaintiff,

V.

HONORING AMERICAN LAW  
ENFORCEMENT PAC &  
DOES 1-10, inclusive  
Defendants

CIVIL ACTION NO:

**NOTICE OF REMOVAL OF  
ACTION PURSUANT TO  
28 U.S.C. § 1441(a)  
(Federal Question Jurisdiction)**

**TO: CLERK OF COURT, UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF RHODE ISLAND**

Pursuant to 28 U.S.C. § 1441(a), Defendant, Honoring American Law Enforcement PAC (“HALE”), hereby gives notice of removal of this action, Docket No: WC-2020-0360 from the Superior Court, Washington County, Rhode Island (the “Action”) where it is now pending, to the United States District Court for the District of Rhode Island. Removal is based on 28 U.S.C. §§ 1331, 1441 and 1446. In support of this Notice of Removal, HALE states as follows:

1. HALE is a defendant in the Action brought in Washington County Superior Court on or about September 7, 2020.

2. On September 23, 2020 HALE was served a copy of the Complaint. A true and accurate copy of the Complaint and Service of Process Transmittal from CT Corporation is attached hereto as **Exhibit A**.

3. The Complaint seeks: monetary relief for damages allegedly incurred as a result of alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. §227 and 47 C.F.R. § 64.1200 et seq (Counts I-XVI); monetary relief for damages and injunctive relief under the

Rhode Island Consumer Protection Act, R.I. § 6-13.1 et seq. (Count XVII); and monetary relief for damages and injunctive relief R.I. §9-1-28.1 et seq. (Count XVIII – Right to Privacy).

4. Other than entry of the action and service on the defendant, the matter has not commenced in superior court as no answer has yet been filed.

#### STATUTORY REQUIREMENTS

5. Removal of this case is proper pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 which entitle a defendant to remove “any civil action brought in a state court of which the district courts of the United States have original jurisdiction.”

6. Pursuant to 28 U.S.C. §1331, the U.S. District Court for the District of Rhode Island has Federal Question jurisdiction over this matter because the Plaintiff’s claims arise out of federal statutes and regulations namely the Telephone Consumer Protection Act, 47 U.S.C. §227 and 47 C.F.R. § 64.1200 et seq.

#### PROCEDURAL REQUIREMENTS AND LOCAL RULES

7. Removal to Proper Court. Removal is proper because this Court is "the district court of the United States for the district and division embracing the place where such action was filed." See 28 U.S.C. § 1446(a).

8. Removal is timely. HALE is entitled to remove the State Court action at any time within 30 days after service of the summons. See 28 U.S.C. § 1446(b). HALE’s Notice of Removal is timely because it is filed within 30 days after service was made on HALE.

9. All Defendants Consent. HALE is the only known defendant at this time. Accordingly, 28 U.S.C. § 1446(b)(2) is inapplicable at this time.

10. Pleadings and Process. Pursuant to Local Rule 81, HALE will ensure that the state court record is filed with the U.S. District Court with 14 days of filing the Notice of Removal.

11. Notice. HALE will promptly serve upon Plaintiff and file with the Clerk of the Superior Court, Washington County, R.I. the Notice of Removal.

12. Based on the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and the claims may be removed pursuant to 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, this action should proceed in the United States District Court for the District of Rhode Island as an action properly removed thereto.

**HONORING AMERICAN LAW  
ENFORCEMENT PAC**

By Its Attorneys

/s/ Brian C. Newberry

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Dated: October 9, 2020

**CERTIFICATE OF SERVICE**

I certify that on this 9<sup>th</sup> day of October, 2020, I filed the within document through the U.S. District Court's Electronic Filing System and caused a true copy of this document to be served via electronic mail upon the Plaintiff:

Christopher M. Laccinole (Pro Se)

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*Pro Se Plaintiff*

/s/ Brian C. Newberry

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